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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,597	11/20/2003	Andre Meunier	3042-1B	7198

23863 7590 10/18/2004  
LESPERANCE & MARTINEAU  
1440 WEST  
STE-CATHERINE ROOM 700  
MONTREAL, QC H3G1R8  
CANADA

EXAMINER

BOEHLER, ANNE MARIE M

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/716,597

Applicant(s)

MEUNIER ET AL.

Examiner

Anne Marie M. Boehler

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 30 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1018 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Newly submitted claim 19 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claim 19 recites a method for steering a ski, classified in 280/606, whereas claims 1-18 claim a snowmobile and snowmobile skis, classified in 180/182.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 19 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4-8, 10-13, 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simmons in view of Fulsom.

Simmons shows a snowmobile ski 10 with a pivot joint 30 on a top surface of the ski, laterally spaced longitudinal keels 20 extending from the ski bottom surface, and longitudinal depressions 44 in the sole of the ski. In column 5, lines 44-45, Simmons teaches that a central keel, not shown but commonly known in the art, may be used in addition to the lateral keels.

Simmons fails to show a central keel longitudinally offset relative to the lateral keels.

Fulson shows a runner with two keel embodiments. One embodiment has two long lateral keels. The second embodiment, shown in Figure 5, includes two short lateral keels 28, 30, positioned along the forward half of the runner, and a third, central keel 32 positioned along the rear half of the runner.

It would have been obvious to one of ordinary skill in the art to provide the Simmons skis with forward lateral keels and a rearward central keel, as taught by Fulsom, in order to improve stability.

4. Claims 1-13, 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simmons in view of Lavecchia.

Simmons shows a snowmobile ski 10 with a pivot joint 30 on a top surface of the ski, laterally spaced longitudinal keels 20 extending from the ski bottom surface, and longitudinal depressions 44 in the sole of the ski. In column 5, lines 44-45, Simmons teaches that a central keel, not shown but commonly known in the art, may be used in addition to the lateral keels.

Simmons fails to show a central keel longitudinally offset relative to the lateral keels.

Lavecchia shows a runner with two lateral keels 16 positioned, at least partly, in the forward half of the runner, and a third, central keel 18 (referred to as a "stabilizing runner" in col. 3, line 35) positioned along the rear half of the runner, longitudinally offset

from the lateral keels. A recess 20 extends along the center of the front of the runner then forks on either side of the central keel 18.

It would have been obvious to one of ordinary skill in the art to provide the Simmons skis with forward lateral keels and a rearward central keel, as taught by Lavecchia, in order to improve stability.

5. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simmons and Lavecchia as applied to claims 1013 above, and further in view of Cormican (PGPub 2002/0185829).

The combination is silent regarding the steering pivot configuration.

Cormican shows a snowmobile with skis 14. Each ski is pivotally connected to a steering pivot 16 that extends upwardly, rearwardly, and inwardly from the ski (see Figures 3 and 4).

It would have been obvious to provide the Simmons snowmobile with a suspension having an angled steering pivot, as taught by Cormican, in order to provide a high performance suspension.

6. Applicant's arguments filed June 30, 2004 have been fully considered but they are not persuasive.

Applicant argues that the Simmons ski is particularly suited for soft, deep snow and therefore, would not be suited to include a central keel, whereas applicant's ski is adapted for hard packed snow. Simmons does discuss advantages of his ski for use on soft snow. However, the examiner does not agree that Simmons teaches away from using a central keel. Simmons specifically teaches, in column 5, lines 35-42, the use of

wear bars on the keels to make primary contact and improve steering on harder surfaces, such as hard packed or icy snow. In column, 9, lines 8-18, Simmons indicates that the skis function on the principles of fluid dynamics, providing floating, when on powder snow (as argued by applicant), but also that the ski functions on principles of solid mechanics turned or slowed, particularly in wet or packed conditions. Therefore, Simmons specifically teaches the use of the ski on hard packed snow and to facilitate effective steering.

Simmons also specifically teaches the use of a central keel in addition to the laterally spaced keels, as is commonly employed in the art (col. 5, lines 44-46). Applicant points to col. 7, lines 23-25, to indicate that Simmons teaches away from the use of a central keel. The examiner disagrees. Simmons discusses the advantages to having lateral keels rather than only a central keel. The teaching in column 7 does not negate the teaching in column 5 to have a central keel additionally.

Applicant points to number of potential disadvantages to having three keels, if the central keel were positioned centrally along the length of the ski to divide the channel into two long, narrow channels that would tend to be jammed with snow. However, the prior art to Fulsom and Lavecchia both show a longitudinal offset between the lateral keels and the central keel which would tend to avoid jamming on the snow in the channels. Simmons is not specific about the longitudinal positioning of the keel. Given the combined teachings, a skilled artisan would have been directed to longitudinally space the central keel and avoid the jamming likelihood.

Applicant argues that the prior art fails to teach the self-steering function.

However, the self-steering is inherent to the structure of the prior art. When the ski is leaned sideways on a harder surface, the lower lateral keel and the central keel will tend to be in contact with the ground. The lower keel being on one side and ahead of the central keel will provide contact surfaces that direct the ski in the direction of a turn toward the lower keel. Therefore, when the snowmobile is used on harder surfaces, self-steering would inherently occur. Therefore, the earlier rejection is being maintained.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne Marie M Boehler whose telephone number is 703-308-0422. The examiner can normally be reached on 7:30-5:00, Monday-Thursday, and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*amb* 10/13/04  
Anne Marie M. Boehler  
Primary Examiner  
Art Unit 3611

amb